

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

SMARTPHONE TECHNOLOGIES LLC,

Plaintiff,

v.

ZTE CORPORATION  
ZTE (USA), INC., and  
ZTE SOLUTIONS, INC.

Defendants.

CIVIL ACTION NO. 6:12-cv-350

SMARTPHONE TECHNOLOGIES LLC,

Plaintiff,

v.

ZTE CORPORATION AND  
ZTE (USA), INC.,

Defendants.

CIVIL ACTION NO. 6:14-cv-147

**AGREED MOTION TO DISMISS**

SmartPhone Technologies LLC (“SmartPhone”) and Defendants ZTE Corporation, ZTE Solutions, Inc., and ZTE (USA), Inc. (collectively, “ZTE”) jointly move the Court pursuant to Fed. R. Civ. P. 41(a)(2) and (c) to dismiss with prejudice from the above-entitled and numbered causes any and all claims by SmartPhone against ZTE, and to dismiss without prejudice all counterclaims by ZTE against SmartPhone. Each party shall bear its own costs and attorneys’ fees. A proposed order is attached as Exhibit A.

**Dated: August 19, 2014**

Respectfully submitted,

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| <p><u>/s/ Edward R. Nelson, III</u><br/> Edward R. Nelson, III<br/> enelson@nbclaw.net<br/> Texas State Bar No. 00797142<br/> Christie B. Lindsey<br/> clindsey@nbclaw.net<br/> Texas State Bar No. 24041918<br/> S. Brannon Latimer<br/> blatimer@nbclaw.net<br/> Texas State Bar No. 24060137<br/> NELSON BUMGARDNER CASTO, P.C.<br/> 3131 West 7th Street, Suite 300<br/> Fort Worth, Texas 76107<br/> Phone: (817) 377-9111<br/> Fax: (817) 377-3485</p> <p>Anthony G. Simon<br/> asimon@simonlawpc.com<br/> Michael P. Kella<br/> mkella@simonlawpc.com<br/> THE SIMON LAW FIRM<br/> 800 Market Street, Suite 1700<br/> St. Louis, MO 63101<br/> Phone: (314) 241-2929</p> <p>T. John Ward, Jr.<br/> Texas State Bar No. 00794818<br/> J. Wesley Hill<br/> Texas State Bar No. 24032294<br/> WARD &amp; SMITH LAW FIRM<br/> P.O. Box 1231<br/> 1127 Judson Rd. Ste. 220<br/> Longview, Texas 75606-1231<br/> (903) 757-6400<br/> jw@wsfirm.com<br/> wh@wsfirm.com</p> <p><b>ATTORNEYS FOR PLAINTIFF</b></p> | <p><u>/s/ Henry A. Petri, Jr.</u><br/> Gregory V. Novak<br/> Texas State Bar No. 15119600<br/> Henry A. Petri, Jr.<br/> Texas State Bar No. 15850600<br/> NOVAK DRUCE CONNOLLY<br/> BOVE + QUIGG LLP<br/> 1000 Louisiana Street, 53rd Floor<br/> Houston, TX 77002<br/> P. 713-571-3400<br/> F. 713-456-2836<br/> gregory.novak@novakdruce.com<br/> henry.petri@novakdruce.com</p> <p><b>ATTORNEYS FOR DEFENDANTS</b></p> |
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**CERTIFICATE OF SERVICE**

The undersigned certifies that on August 19, 2014, the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this motion was served on all counsel who consent to electronic service. Local Rule CV-5(a)(3)(A).

/s/ Edward R. Nelson  
Edward R. Nelson, III